

DETAILED ACTION - ALLOWANCE

Claim Status

Applicants' amendment filed May 22, 2009, in response to the non-final Office action dated February 23, 2009 has been entered. Claim 5 has been cancelled, and claims 2 and 11 amended. No claims were or newly added. Accordingly, claims 2 and 6-14 remain pending in the application. Claims 8-10 and 12-14 stand withdrawn from consideration, with traverse. Claims 2, 6, 7 and 11 are currently under examination.

Claims 2, 6, 7 and 11 were rejected under 35 U.S.C. §112, first paragraph as not enabled for the full scope of the claimed invention, in the previous Office action dated February 23, 2009.

Applicants have amended base claims 2 and 11 to recite language commensurate with the enabled scope previously indicated, obviating the grounds for rejection. Thus, the rejection is hereby withdrawn.

The restriction requirement between claims 2, 6, 7 and 11 (Group I) and claims 8-10 and 12-14 Groups II and III as set forth in the Office action mailed on August 3, 2007 has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Accordingly, all withdrawn claims are hereby rejoined with claims 2, 6, 7 and 11. Rejoined claims 9, 13 and 14 are further considered allowable.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicants' representative on August 7, 2009.

The application has been amended as follows:

In the claims,

Claim 9, step 5 has been re-written as follows:

5) repeating the crossing defined in step 4 at least a total of 9 times to generate a heterozygous knockout mouse, and,

Claim 11, step 5 has been re-written as follows:

5) repeating the crossing defined in step 4 at least a total of 9 times to generate a heterozygous knockout mouse, and,

Claim 13 has been amended as follows:

The words "useful for" have been replaced with the words "for potential use in", in the first line.

Claims 8, 10 and 12 have been cancelled.

REASONS FOR ALLOWANCE:

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a GLAST knockout mouse having a phenotype wherein the intraocular pressure is not greater than 21 mmHg, and, the number of cells in the retinal ganglions is 20% to 50% less than that of a wild-type C57BL/6 strain mouse.

The closest prior art is that of Watase et al. (of record), teaching the inactivation of the mouse endogenous GLAST gene. However, as evidenced by the Rule 1.132 Declaration of co-inventor Kohichi Tanaka, the instantly claimed phenotype is only observed when the genetic background of the knockout mouse is the same as that of the C57BL/6 strain mouse.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 2, 6, 7, 9, 11, 13 and 14 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FEREYDOUN G. SAJJADI whose telephone number is (571)272-3311. The examiner can normally be reached on 6:30 AM-3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fereydoun G Sajjadi/
Primary Examiner, Art Unit 1633